



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/576,536 Confirmation No.: 3744  
Applicant(s): Karttunen, Juha  
Filed: 04/19/2006  
Art Unit: 2629  
Examiner: Stone, Robert M.  
Title: Method and Arrangement for Improving the Function of  
the Displayed Unit of a Portable Device

Attorney Docket No.: 868A.0074.U1(US)  
Customer No.: 10,948

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Appeal Brief

Sir:

This is an appeal brief in regard to the final rejection of claims in the above-identified patent application. A Notice of Appeal was mailed to the USPTO on 11/3/2011. The fee under 37 C.F.R. §41.20(b)(2) is enclosed. Please charge deposit account 50-1924 for any fee deficiency.

I. Real Party In Interest

The real party in interest is Nokia Corporation.

## II. Related Appeals and Interferences

There are no directly related appeals or interferences regarding this application.

## III. Status Of Claims

Claims 1-3, 5-17, and 19-22 are pending in this application. Claims 1-3, 5-17, and 19-22 have been rejected by the Examiner. Claims 4 and 18 have been canceled. The rejection of Claims 1-3, 5-17, and 19-22 is appealed.

## IV. Status Of Amendments

Since the final rejection of 07/07/2011 no amendments have been filed.

## V. Summary of Claimed Subject Matter

### Independent claim 1

An apparatus comprising a display unit (101, 201, 301), a controller (305), and a light driver (304) (see page 5, lines 27-29, page 7, lines 25-28, page 10, lines 13-30, and Figs. 1-3 of the International Application as filed). The display unit (101, 201, 301) with information-indicating light units (102a, 102b, 102c, 102d, 102e, 102f, 102g, 102h, 202a, 202b, 202c, 202d, 202e, 202f, 302a, 302b, 302c, 302d, 302e, 302f) (see page 5, lines 27-34, page 6, lines 1-3, page 7, lines 25-30, page 10, lines 24-25, and Figs. 1-3 of the International .

Application as filed). The controller (305) configured to define control commands on the basis of a display unit application and an instantaneous view shown in the display unit (101, 201, 301) (see page 10, lines 24-30 of the International Application as filed). The light driver (304) configured to control the information-indicating light units (102a, 102b, 102c, 102d, 102e, 102f, 102g, 102h, 202a, 202b, 202c, 202d, 202e, 202f, 302a, 302b, 302c, 302d, 302e, 302f) based on the control commands (see page 10, lines 29-30, page 11 lines 20-36, page 12, lines 1-13 of the International Application as filed), such that the information-indicating light units (102a, 102b, 102c, 102d, 102e, 102f, 102g, 102h, 202a, 202b, 202c, 202d, 202e, 202f, 302a, 302b, 302c, 302d, 302e, 302f) are arranged to indicate information concerning a display unit application object located only outside a current view of the display unit (101, 201, 301) so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus, wherein the apparatus is a portable apparatus and the light units (102a, 102b, 102c, 102d, 102e, 102f, 102g, 102h, 202a, 202b, 202c, 202d, 202e, 202f, 302a, 302b, 302c, 302d, 302e, 302f) are located around the display unit (101, 201, 301) (see page 6, lines 24-36, page 12, lines 35-36, page 13, lines 1-2 and 14-33, and Figs. 1-3 of the International Application as filed).

Independent Claim 9

A method comprising defining in a controller (305) of a portable device a control command on the basis of a display

unit application and an instantaneous view shown in the display unit (101, 201, 301) (see page 10, lines 24-30 of the International Application as filed) in order to control information-indicating light units (102a, 102b, 102c, 102d, 102e, 102f, 102g, 102h, 202a, 202b, 202c, 202d, 202e, 202f, 302a, 302b, 302c, 302d, 302e, 302f) (see page 10, lines 29-30, page 11 lines 20-36, page 12, lines 1-13 of the International Application as filed). Controlling the information-indicating light units (102a, 102b, 102c, 102d, 102e, 102f, 102g, 102h, 202a, 202b, 202c, 202d, 202e, 202f, 302a, 302b, 302c, 302d, 302e, 302f), which are located around the display unit (101, 201, 301), through a light driver based on the control command defined in the controller (see page 10, lines 29-30, page 11 lines 20-36, page 12, lines 1-13 of the International Application as filed), such that information concerning a display unit application object located only outside the current view of the display unit is indicated by the information-indicating light units so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus (see page 6, lines 24-36, page 12, lines 35-36, page 13, lines 1-2 and 14-33, and Figs. 1-3 of the International Application as filed).

#### Independent Claim 19

An apparatus comprising a processor (305) and memory (see page 6, lines 12-15, page 10, lines 17-30, and Fig. 3), the memory configured to, with the processor, cause the apparatus, which is portable, at least to define a controllable light unit

group (102a, 102b, 102c, 102d, 102e, 102f, 102g, 102h, 202a, 202b, 202c, 202d, 202e, 202f, 302a, 302b, 302c, 302d, 302e, 302f) on the basis of information of a display unit application shown in a display unit (101, 201, 301) and a display unit application object located outside the current view of the display unit (101, 201, 301) (see page 10, lines 24-30, page 11 lines 20-36, page 12, lines 1-13, page 12, lines 13-20, and Figs. 1-3 of the International Application as filed). Generate certain control commands on the basis of the information of the display application of the display unit (101, 201, 301) and the display application object located outside the current view of the display unit (101, 201, 301) in order to control a given light unit group for giving information about the display unit application object located only outside the current view of the display unit (101, 201, 301) so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus, wherein the light units are located around the display unit (101, 201, 301) (see page 6, lines 24-36, page 12, lines 35-36, page 13, lines 1-2 and 14-33, and Figs. 1-3 of the International Application as filed).

#### VI. Grounds of Rejection to be Reviewed on Appeal

- A. Are Claims 1-3, 5-15, 17, and 19-22 properly rejected under 35 U.S.C. §103(a) as being unpatentable over Yoshiki (JP 2003062268) in view of Yokoi (US 4,542,903) and Halo: Combat Evolved (User's Manual).

## VII. Argument

### **35 U.S.C. §103(a)**

A. Claims 1-3, 5-15, 17, and 19-22 [Yoshiki (JP 2003062268) in view of Yokoi (US 4,542,903) and Halo: Combat Evolved (User's Manual)].

#### Claim 1

Independent claim 1 recites, in part, (emphasis added) an apparatus comprising ... information-indicating light units are arranged to indicate information concerning a display unit application object located only outside a current view of the display unit so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus ...and the light units are located around the display unit.

Yoshiki relates to a large free standing gaming device. However, contrary to the examiner's arguments, Yoshiki does not teach, for example, that the LEDs 31 would be arranged to indicate information concerning a display unit application object located only outside a current view of a display unit. In Yoshiki, the LED rim always operates with a display unit application object that is located on the screen (e.g. the jumping character).

Moreover, Yoshiki relates to a Pachinko machine (see, for example, each claim relates to a Pachinko machine). The Board's attention is respectfully directed to, for example, <http://en.wikipedia.org/wiki/Pachinko> for more information

regarding a Pachinko machine. Attached hereto in the Evidence Appendix is page 1 of this citation, which shows a photo of rows of pachinko machines in a pachinko parlour. A pachinko machine is described at page 1 of this citation as resembling a vertical pinball machine with no flippers and a large number of relatively small balls. A Pachinko is instantly recognized by a person of ordinary skill in the art as an application that is **not portable**. In the Pachinko machines of Yoshiki, there is a ball that travels in the game, which also causes a need to keep the game permanently fixed while in use, and also a display.

Yoshiki discloses certain improvements to the display, but it is clear to a person of ordinary skill in the art that Yoshiki's Pachinko machine is not suited for use as a handheld device that is as compact as possible, such as in Yokoi. Such a modification would go against the main idea of the Pachinko machine and thus against the core of Yoshiki teaching. Therefore applicant submits that the examiner has mischaracterized the teachings of Yoshiki and Yokoi in the examiner's attempt to allegedly show there is any type of suggestion to provide a pachinko gaming device as compact as possible.

The examiner admits that Yoshiki in view of Yokoi does not disclose the indication of objects located only outside the current view of the display so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus, and relies on Halo for this teaching.

In particular the examiner relies on pages 13 and 15 of Halo as disclosing a gaming system with indications at edges of the display and references "large red warning indicators [I] at edges of the screen". However, applicant submits that the element I on page 13 is actually an arrow drawn on the display screen. Firstly, the element I does not correspond to any information-indicating light unit that could be around the display, as the arrow is an effect produced by the display itself. Secondly, the arrow is in the display itself. The XBOX is a game console to be connected to a television or other display. There is no teaching or disclosure about setting up lamps or other light units around the display. The XBOX game HALO altogether lacks the structure of claim 1.

Therefore, Halo does nothing to cure the deficiencies in the disclosures of Yoshiki and Yokoi.

Furthermore, applicant submits that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicant's patent application). Applicant previously argued that Yokoi and Yoshiki would not have led an ordinarily skilled person to try making the device of Yoshiki into portable form. In particular, the Examiner contends in the Office Action that Yokoi would provide motivation to produce a gaming device that is as compact as possible (based on col. 1, lines 10-16 and lines 25-26). However, the Yokoi disclosure is not related to gaming devices as a whole, but to a hand-held game apparatus where characters are moveable for playing a game. Yokoi's disclosure is related to making handheld games more compact. It is respectfully submitted that Yokoi fails to provide an overall

teaching to make all types of games portable. The Pachinko game of Yoshiki is not of such nature that a skilled person would have thought of that game when reading the teaching of Yokoi to make handheld games more compact.

Applicant further submits that **the examiner has not shown why the ordinarily skilled person would have added the information-indication lights surrounding the display to form a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the stimulus.** Applicant submits that the skilled person would not have been motivated due at least in part to the feature discloses in the present application:

"For example in game applications, the user has time to react to the approaching situation, when the approaching situation is indicated in advance, so that the user can prepare himself for the situation. The location and/or direction of a situation, information, function or the like, left outside the current view, is typically indicated by controlling the light units arranged around the display, so that there are lighted up those light units that are located in the same direction with respect to the display view as the information to be indicated" (see page 4, lines 6-12).

This advantage or objective of reaching this advantage has not been identified in any one of the cited references. Hence, the ordinarily skilled person **would not have had a motivation to construct an apparatus as in claim 1 without use of the claimed invention as a blueprint**, nor would he have been able

to arrive at the claimed invention solely using the disclosure of the references.

On the Continuation sheet of the Advisory Action, the Examiner appears to argue that the advantage stated in the present application (see second paragraph of Examiner's arguments, regarding having time to react) is disclosed by Halo.

Firstly, applicant submits that the Direction of Fire indicator merely allows a player of the game determine a direction after receiving enemy fire. In particular, the player of the game can see the 'view of the world' on the display screen (Heads Up Display) and therefore when the player sees enemy fire on the screen, the Direction of Fire indicator merely indicates the direction of the received enemy fire (see pages 13, 15). In other words, the Direction of Fire indicator merely provides some additional information for something already displayed on the screen. Applicant's claimed invention, on the other hand, claims 'an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus'.

Applicant submits that, based on games in general, even if the arrows may indicate the direction of *some danger* outside the current view, applicant fails to see how the arrows would implement the claimed feature of "information indicated light units are arranged to... so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus", if these arrows were implemented by the lights of Yoshiki. Being able to prepare to a danger in a game by knowing its direction does not disclose how the view

continues in that direction. For example, the player does not even know what will be there behind him or elsewhere outside the view [when the Direction of Fire indicator appears], in which case it is clear that the arrows do not suggest or provide any "indication of how the view shown on the display continues outside the view". Instead, the player of Halo only has some indication of what direction the enemy fire (which is already on the display screen) came from.

Hence, it is clear that the present rejections do not show *prima facie* obviousness nor can the claimed invention be obvious at all as it is simply impossible to construe the claim 1 from the cited references.

Applicant submits that there is no suggestion to combine the references as the examiner is attempting to do. In particular, Yokoi relates to a hand held game apparatus, while Yoshiki relates to a pachinko machine and that application necessitates that the game cannot be portable. Hence, a person of ordinary skill in the art, knowing also Yokoi (US4542903), would not have made the Yoshiki device portable without departing from the intended use of Yoshiki device.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (see MPEP 2143.01, page 2100-98, column 1). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (see

MPEP 2143.01, page 2100-98, column 2). A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is **not sufficient** to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. (see MPEP 2143.01, page 2100-99, column 1) Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). >See also Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)

In the present case, there is no teaching, suggestion, or motivation, found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to provide apparatus comprising ... information-indicating light units are arranged to indicate information concerning a display unit application object located only outside a current view of the display unit so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus ...and the light units are located around the display unit, as claimed in claim 1. The features of claim 1 are not disclosed or suggested in the art of record. Therefore, claim 1 is patentable and should be allowed.

Claims 2, 3, 5-8, and 20 stand or fall with claim 1.

Claim 9

Independent claim 9 recites, in part, (emphasis added) a "method comprising ... controlling the information-indicating light units, which are located around the display unit ... such that information concerning a display unit application object located only outside the current view of the display unit is indicated by the information-indicating light units so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus".

Yoshiki relates to a large free standing gaming device. However, contrary to the examiner's arguments, Yoshiki does not teach, for example, that the LEDs 31 would be arranged to indicate information concerning a display unit application object located only outside a current view of a display unit. In Yoshiki, the LED rim always operates with a display unit application object that is located on the screen (e.g. the jumping character).

Moreover, Yoshiki relates to a Pachinko machine (see, for example, each claim relates to a Pachinko machine). The Board's attention is respectfully directed to, for example, <http://en.wikipedia.org/wiki/Pachinko> for more information regarding a Pachinko machine. Attached hereto in the Evidence Appendix is page 1 of this citation, which shows a photo of rows of pachinko machines in a pachinko parlour. A pachinko machine is described at page 1 of this citation as resembling a vertical pinball machine with no flippers and a large number of relatively small balls. A Pachinko is instantly recognized by a person of ordinary skill in the art as an application that is **not portable**. In the Pachinko machines of Yoshiki,

there is a ball that travels in the game, which also causes a need to keep the game permanently fixed while in use, and also a display.

Yoshiki discloses certain improvements to the display, but it is clear to a person of ordinary skill in the art that Yoshiki's Pachinko machine is not suited for use as a handheld device that is as compact as possible, such as in Yokoi. Such a modification would go against the main idea of the Pachinko machine and thus against the core of Yoshiki teaching. Therefore applicant submits that the examiner has mischaracterized the teachings of Yoshiki and Yokoi in the examiner's attempt to allegedly show there is any type of suggestion to provide a pachinko gaming device as compact as possible.

The examiner admits that Yoshiki in view of Yokoi does not disclose the indication of objects located only outside the current view of the display so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus, and relies on Halo for this teaching.

In particular the examiner relies on pages 13 and 15 of Halo as disclosing a gaming system with indications at edges of the display and references "large red warning indicators [I] at edges of the screen". However, applicant submits that the element I on page 13 is actually an arrow drawn on the display screen. Firstly, the element I does not correspond to any information-indicating light unit that could be around the display, as the arrow is an effect produced by the display itself. Secondly, the arrow is in the display itself. The

XBOX is a game console to be connected to a television or other display. There is no teaching or disclosure about setting up lamps or other light units around the display. The XBOX game HALO altogether lacks the structure of claim 9.

**Therefore, Halo does nothing to cure the deficiencies in the disclosures of Yoshiki and Yokoi.**

Furthermore, applicant submits that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicant's patent application). Applicant previously argued that Yokoi and Yoshiki would not have led an ordinarily skilled person to try making the device of Yoshiki into portable form. In particular, the Examiner contends in the Office Action that Yokoi would provide motivation to produce a gaming device that is as compact as possible (based on col. 1, lines 10-16 and lines 25-26). However, the Yokoi disclosure is not related to gaming devices as a whole, but to a hand-held game apparatus where characters are moveable for playing a game. Yokoi's disclosure is related to making handheld games more compact. It is respectfully submitted that Yokoi fails to provide an overall teaching to make all types of games portable. The Pachinko game of Yoshiki is not of such nature that a skilled person would have thought of that game when reading the teaching of Yokoi to make handheld games more compact.

Applicant further submits that **the examiner has not shown why the ordinarily skilled person would have added the information-indication lights surrounding the display to form a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the**

*direction of the stimulus.* Applicant submits that the skilled person would not have been motivated due at least in part to the feature discloses in the present application:

"For example in game applications, the user has time to react to the approaching situation, when the approaching situation is indicated in advance, so that the user can prepare himself for the situation. The location and/or direction of a situation, information, function or the like, left outside the current view, is typically indicated by controlling the light units arranged around the display, so that there are lighted up those light units that are located in the same direction with respect to the display view as the information to be indicated" (see page 4, lines 6-12).

This advantage or objective of reaching this advantage has not been identified in any one of the cited references. Hence, the ordinarily skilled person would not have had a motivation without use of the claimed invention as a blueprint, nor would he have been able to arrive at the claimed invention solely using the disclosure of the references.

On the Continuation sheet of the Advisory Action, the Examiner appears to argue that the advantage stated in the present application (see second paragraph of Examiner's arguments, regarding having time to react) is disclosed by Halo.

Firstly, applicant submits that the Direction of Fire indicator merely allows a player of the game determine a direction after receiving enemy fire. In particular, the player of the game can see the 'view of the world' on the

display screen (Heads Up Display) and therefore when the player sees enemy fire on the screen, the Direction of Fire indicator merely indicates the direction of the received enemy fire (see pages 13, 15). In other words, the Direction of Fire indicator merely provides some additional information for something already displayed on the screen. Applicant's claimed invention, on the other hand, claims 'an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus'.

Applicant submits that, based on games in general, even if the arrows may indicate the direction of *some danger* outside the current view, applicant fails to see how the arrows would implement the claimed feature of "information indicated light units are arranged to... so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus", if these arrows were implemented by the lights of Yoshiki. Being able to prepare to a danger in a game by knowing its direction does not disclose how the view continues in that direction. For example, the player does not even know what will be there behind him or elsewhere outside the view [when the Direction of Fire indicator appears], in which case it is clear that the arrows do not suggest or provide any "indication of how the view shown on the display continues outside the view". Instead, the player of Halo only has some indication of what direction the enemy fire (which is already on the display screen) came from.

Hence, it is clear that the present rejections do not show *prima facie* obviousness nor can the claimed invention be

obvious at all as it is simply impossible to construe the claim 9 from the cited references.

Applicant submits that there is no suggestion to combine the references as the examiner is attempting to do. In particular, Yokoi relates to a hand held game apparatus, while Yoshiki relates to a pachinko machine and that application necessitates that the game cannot be portable. Hence, a person of ordinary skill in the art, knowing also Yokoi (US4542903), would not have made the Yoshiki device portable without departing from the intended use of Yoshiki device.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (see MPEP 2143.01, page 2100-98, column 1). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (see MPEP 2143.01, page 2100-98, column 2). A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is **not sufficient** to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. (see MPEP 2143.01, page 2100-99, column 1) Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). >See also Al-

Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)

In the present case, there is no teaching, suggestion, or motivation, found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to provide a method comprising ... controlling the information-indicating light units, which are located around the display unit ... such that information concerning a display unit application object located only outside the current view of the display unit is indicated by the information-indicating light units so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus, as claimed in claim 9. The features of claim 9 are not disclosed or suggested in the art of record. Therefore, claim 9 is patentable and should be allowed.

Claims 10-17 and 21 stand or fall with claim 9.

#### Claim 19

Independent claim 19 recites, in part, (emphasis added) an "apparatus comprising ... a display unit application located only outside the current view of the display unit so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus, wherein the light units are located around the display unit".

Yoshiki relates to a large free standing gaming device. However, contrary to the examiner's arguments, Yoshiki does

not teach, for example, that the LEDs 31 would be arranged to indicate information concerning a display unit application object located only outside a current view of a display unit. In Yoshiki, the LED rim always operates with a display unit application object that is located on the screen (e.g. the jumping character).

Moreover, Yoshiki relates to a Pachinko machine (see, for example, each claim relates to a Pachinko machine). The Board's attention is respectfully directed to, for example, <http://en.wikipedia.org/wiki/Pachinko> for more information regarding a Pachinko machine. Attached hereto in the Evidence Appendix is page 1 of this citation, which shows a photo of rows of pachinko machines in a pachinko parlour. A pachinko machine is described at page 1 of this citation as resembling a vertical pinball machine with no flippers and a large number of relatively small balls. A Pachinko is instantly recognized by a person of ordinary skill in the art as an application that is **not portable**. In the Pachinko machines of Yoshiki, there is a ball that travels in the game, which also causes a need to keep the game permanently fixed while in use, and also a display.

Yoshiki discloses certain improvements to the display, but it is clear to a person of ordinary skill in the art that Yoshiki's Pachinko machine is not suited for use as a handheld device that is as compact as possible, such as in Yokoi. Such a modification would go against the main idea of the Pachinko machine and thus against the core of Yoshiki teaching. Therefore applicant submits that the examiner has mischaracterized the teachings of Yoshiki and Yokoi in the

examiner's attempt to allegedly show there is any type of suggestion to provide a pachinko gaming device as compact as possible.

The examiner admits that Yoshiki in view of Yokoi does not disclose the indication of objects located only outside the current view of the display so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus, and relies on Halo for this teaching.

In particular the examiner relies on pages 13 and 15 of Halo as disclosing a gaming system with indications at edges of the display and references "large red warning indicators [I] at edges of the screen". However, applicant submits that the element I on page 13 is actually an arrow drawn on the display screen. Firstly, the element I does not correspond to any information-indicating light unit that could be around the display, as the arrow is an effect produced by the display itself. Secondly, the arrow is in the display itself. The XBOX is a game console to be connected to a television or other display. There is no teaching or disclosure about setting up lamps or other light units around the display. The XBOX game HALO altogether lacks the structure of claim 19.

**Therefore, Halo does nothing to cure the deficiencies in the disclosures of Yoshiki and Yokoi.**

Furthermore, applicant submits that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicant's patent application). Applicant previously argued that Yokoi and Yoshiki would not

have led an ordinarily skilled person to try making the device of Yoshiki into portable form. In particular, the Examiner contends in the Office Action that Yokoi would provide motivation to produce a gaming device that is as compact as possible (based on col. 1, lines 10-16 and lines 25-26). However, the Yokoi disclosure is not related to gaming devices as a whole, but to a hand-held game apparatus where characters are moveable for playing a game. Yokoi's disclosure is related to making handheld games more compact. It is respectfully submitted that Yokoi fails to provide an overall teaching to make all types of games portable. The Pachinko game of Yoshiki is not of such nature that a skilled person would have thought of that game when reading the teaching of Yokoi to make handheld games more compact.

Applicant further submits that **the examiner has not shown** why the ordinarily skilled person would have added the information-indication lights surrounding the display to form a *visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the stimulus*. Applicant submits that the skilled person would not have been motivated due at least in part to the feature discloses in the present application:

"For example in game applications, the user has time to react to the approaching situation, when the approaching situation is indicated in advance, so that the user can prepare himself for the situation. The location and/or direction of a situation, information, function or the like, left outside the current view, is typically indicated by controlling the light units arranged around

the display, so that there are lighted up those light units that are located in the same direction with respect to the display view as the information to be indicated" (see page 4, lines 6-12).

This advantage or objective of reaching this advantage has not been identified in any one of the cited references. Hence, the ordinarily skilled person would not have had a motivation without use of the claimed invention as a blueprint, nor would he have been able to arrive at the claimed invention solely using the disclosure of the references.

On the Continuation sheet of the Advisory Action, the Examiner appears to argue that the advantage stated in the present application (see second paragraph of Examiner's arguments, regarding having time to react) is disclosed by Halo.

Firstly, applicant submits that the Direction of Fire indicator merely allows a player of the game determine a direction after receiving enemy fire. In particular, the player of the game can see the 'view of the world' on the display screen (Heads Up Display) and therefore when the player sees enemy fire on the screen, the Direction of Fire indicator merely indicates the direction of the received enemy fire (see pages 13, 15). In other words, the Direction of Fire indicator merely provides some additional information for something already displayed on the screen. Applicant's claimed invention, on the other hand, claims 'an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus'.

Applicant submits that, based on games in general, even if the arrows may indicate the direction of some danger outside the current view, applicant fails to see how the arrows would implement the claimed feature of a "formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus", if these arrows were implemented by the lights of Yoshiki. Being able to prepare to a danger in a game by knowing its direction does not disclose how the view continues in that direction. For example, the player does not even know what will be there behind him or elsewhere outside the view [when the Direction of Fire indicator appears], in which case it is clear that the arrows do not suggest or provide any "indication of how the view shown on the display continues outside the view". Instead, the player of Halo only has some indication of what direction the enemy fire (which is already on the display screen) came from.

Hence, it is clear that the present rejections do not show *prima facie* obviousness nor can the claimed invention be obvious at all as it is simply impossible to construe the claim 19 from the cited references.

Applicant submits that there is no suggestion to combine the references as the examiner is attempting to do. In particular, Yokoi relates to a hand held game apparatus, while Yoshiki relates to a pachinko machine and that application necessitates that the game cannot be portable. Hence, a person of ordinary skill in the art, knowing also Yokoi (US4542903), would not have made the Yoshiki device portable without departing from the intended use of Yoshiki device.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (see MPEP 2143.01, page 2100-98, column 1). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (see MPEP 2143.01, page 2100-98, column 2). A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is **not sufficient** to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. (see MPEP 2143.01, page 2100-99, column 1) Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). >See also Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)

In the present case, there is no teaching, suggestion, or motivation, found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to provide "apparatus comprising ... a display unit application located only outside the current view of the display unit so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the

visual stimulus, wherein the light units are located around the display unit", as claimed in claim 19. The features of claim 19 are not disclosed or suggested in the art of record. Therefore, claim 19 is patentable and should be allowed.

Claim 22 stands or fall with claim 19.

VIII. Claims Appendix

Attached.

IX. Evidence Appendix

Attached.

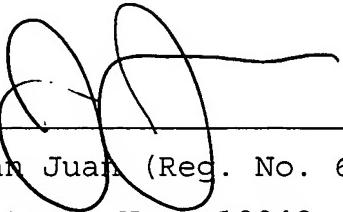
X. Related Proceedings Appendix

None.

Conclusion

In view of the arguments presented above, it is respectfully requested that the Examiner's rejections of Claims 1-3, 5-17, and 19-22 be reversed.

Respectfully submitted,

  
\_\_\_\_\_  
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## **VIII. CLAIMS APPENDIX**

The following is a list of the claims on appeal and, in accordance with USPTO procedures, does not include any objected to claims, cancelled claims, or allowed claims.

1. An apparatus comprising:

- a display unit with information-indicating light units;
- a controller configured to define control commands on the basis of a display unit application and an instantaneous view shown in the display unit; and

- a light driver configured to control the information-indicating light units based on the control commands, such that the information-indicating light units are arranged to indicate information concerning a display unit application object located only outside a current view of the display unit so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus, wherein the apparatus is a portable apparatus and the light units are located around the display unit.

2. The apparatus according to claim 1, wherein said portable apparatus also includes a controller configured to generate control commands for the light units on the basis of the information transmitted by a display driver, to the light driver.

3. The apparatus according to claim 1, wherein in the surroundings of the display unit, there are at least two light

units or light unit groups formed of single light units, placed so that the light units are arranged at an angle of 90 degrees with respect to each other.

4. (Cancelled)

5. The apparatus according to claim 3, which is provided with the light driver configured to control the light units or the light unit groups formed of single light units.

6. The apparatus according to claim 1, which is provided with the controller and the light driver configured to control the light units according to the application shown in the display unit.

7. The apparatus according to claim 1, which is provided with the controller configured to define the control commands of the light units to synchronize the light units with respect to the view.

8. The apparatus according to claim 7, which is provided with the light driver configured to control functions and properties of the light units according to the control commands generated by the controller.

9. A method comprising:

- defining in a controller of a portable device a control command on the basis of a display unit application and an instantaneous view shown in the display unit in order to control information-indicating light units; and

-controlling the information-indicating light units, which are located around the display unit, through a light

driver based on the control command defined in the controller, such that information concerning a display unit application object located only outside the current view of the display unit is indicated by the information-indicating light units so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus.

10. The method according to claim 9, wherein in the controller, there are generated functional commands to a light driver in order to control the light units on the basis of the information of the view in the display unit, transmitted by a display driver and the display unit application.

11. The method according to claim 9, wherein the light units are arranged in the surroundings of the display unit, at an angle of 90 degrees with respect to each other, in order to indicate a direction, with respect to the view shown in the display unit, by the light units.

12. The method according to claim 9, wherein the light units are arranged in light unit groups, which are separately controlled by the light driver.

13. The method according to claim 9, wherein in the display unit, there are shown objects under observation, and simultaneously the light units controlled by the light driver are used for generating information in the view of the display.

14. The method according to claim 9, wherein the approaching of an object located outside the view of the display unit to the area of the view shown in the display unit is indicated by

generating in the light driver a sense stimulus by the light units that are located in the same direction with respect to the view as the display unit application object in question.

15. The method according to claim 14, wherein the light driver is used for controlling a controllable light unit group, located in a given direction with respect to the view of the display unit, so that the intensity of the light units is increased as the display unit application object approaches the display unit.

16. The method according to claim 9, wherein threatening factors of a game application represented in the view are indicated by adjusting the controllable light unit group that is located in the direction of a threatening factor with respect to the view by the light driver by emitting a given wavelength of light, and possible proceeding directions are indicated by controlling the controllable light unit group that is located in the direction of the proceeding direction with respect to the view by the light driver by emitting another given wavelength of light.

17. The method according to claim 9, wherein in the display application shown in the view, the direction of a given searched display unit application object that is located outside the view, with respect to the view is indicated by activating the controllable light unit group located in the direction of the display unit application object by the light driver in a way defined in the display unit application.

18. (Cancelled)

19. An apparatus comprising:

a processor; and

memory, the memory configured to, with the processor, cause the apparatus, which is portable, at least to:

define a controllable light unit group on the basis of information of a display unit application shown in a display unit and a display unit application object located outside the current view of the display unit, and;

generate certain control commands on the basis of the information of the display application of the display unit and the display application object located outside the current view of the display unit in order to control a given light unit group for giving information about the display unit application object located only outside the current view of the display unit so that there is formed a visual stimulus that functions as an indication of how the view shown on the display continues outside the view, in the direction of the visual stimulus, wherein the light units are located around the display unit.

20. The apparatus of claim 1, wherein the light units are light emitting diodes or organic light emitting devices.

21. The method of claim 9, wherein the light units are light emitting diodes or organic light emitting devices.

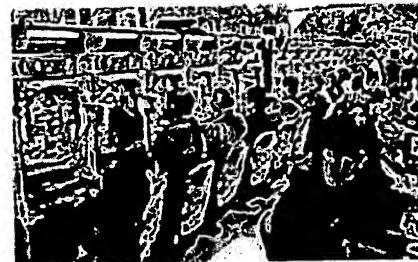
22. The apparatus of claim 19, wherein the light units are light emitting diodes or organic light emitting devices.

## **IX. EVIDENCE APPENDIX**

# Pachinko

From Wikipedia, the free encyclopedia

**Pachinko** (パチンコ) is a Japanese gaming device used for amusement and gambling. A pachinko machine resembles a vertical pinball machine, but with no flippers and a large number of relatively small balls. The player fires a ball up into the machine, controlling only its initial speed. The ball then cascades down through a dense forest of pins. In most cases, the ball falls to the bottom and is lost, but if it instead goes into certain pockets, more balls are released as a jackpot.<sup>[1]</sup> Pachinko machines were originally strictly mechanical, but modern ones have incorporated extensive electronics, becoming similar to video slot machines, and referred to as Pachislo (パチスロ *Pachisuro*).



A pachinko parlour in Tokyo.

The machines are widespread in establishments called "pachinko parlors", which also often feature a number of slot machines. Pachinko parlors share the reputation of slot machine dens and casinos the world over — garish decoration; over-the-top architecture; a low-hanging haze of cigarette smoke; the constant din of the machines, music, and announcements; and flashing lights. Modern pachinko machines are highly customizable, keeping enthusiasts continuously entertained.

Because gambling for cash is illegal in Japan and Taiwan, balls won cannot be exchanged directly for cash in the parlor. Instead, the balls are exchanged for token prizes, which can then be taken outside and traded in for cash at a business that is nominally separate from the parlor, and may be run by organized crime (yakuza).<sup>[2]</sup>

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## **X. RELATED PROCEEDINGS APPENDIX**

None